

State of Illinois 91st General Assembly Final Senate Journal

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

75TH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 16, 2000

12:00 O'CLOCK NOON

No. 75

[Feb. 16, 2000]

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The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Reverend William Privette, Christ Episcopal Church,
Springfield, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journal of
Tuesday, February 15, 2000 be postponed pending arrival of the
printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

The Annual Report, Excellence in Academic Medicine Payments for Fiscal Year 1999, submitted by the Department of Public Aid and the Department of Public Health pursuant to Section 65 of the Excellence in Academic Medicine Act, 30 ILCS 775/1 et seq.

A report on the Illinois Violent Injury Reporting, December 1999, submitted by the Department of Public Health in accordance with 20 ILCS 2310/55.81.

A preliminary report of the Cardiovascular Disease Prevention Task Force submitted by the Department of Public Health in accordance with Senate Joint Resolution 37.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURE FILED

The following Conference Committee Report has been filed with the Secretary, and referred to the Committee on Rules:

First Conference Committee Report to Senate Bill 618

REPORTS FROM STANDING COMMITTEES

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred **Senate Bills numbered 1398, 1634 and 1650** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred **Senate Bills numbered 1397, 1733 and 1876** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Rauschenberger, Chairperson of the Committee on Appropriations to which was referred **Senate Bills numbered 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824,**

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1825 and 1826 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred **Senate Bills numbered 1368, 1444, 1446, 1447,**

1559, 1589 and 1888 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred **Senate Bill No. 1862** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education, to which was referred **Senate Resolution No. 284** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution 284** was placed on the Secretary's Desk.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **Senate Bills numbered 1300, 1411, 1541, 1553, 1646 and 1648** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **Senate Bills numbered 1391, 1653 and 1899** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate Bills numbered 1268, 1319, 1382, 1532, 1571, 1636, 1655, 1695 and 1875** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate Bills numbered 1231, 1273, 1409, 1540 and 1690** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Syverson, Vice-Chairperson of the Committee on Transportation to which was referred **Senate Bills numbered 1428, 1474, 1498, 1503, 1588, 1602, 1630 and 1861** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Syverson, Vice-Chairperson of the Committee on Transportation to which was referred **Senate Bill No. 1629** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

INTRODUCTION OF BILLS

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SENATE BILL NO. 1936. Introduced by Senator Trotter, a bill for AN ACT making appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1937. Introduced by Senator Trotter, a bill for AN ACT making appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1938. Introduced by Senator Trotter, a bill for AN ACT making appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1939. Introduced by Senator Trotter, a bill for AN ACT making appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1940. Introduced by Senator Dillard, a bill for AN ACT to amend the Trusts and Trustees Act by changing Section 11.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 2977, sponsored by Senator Karpiel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3312, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3398, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Dudycz, **Senate Bill No. 1156** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, **Senate Bill No. 1241** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1329** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, **Senate Bill No. 1425** having been

printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1425 on page 1, by replacing

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line 1 with the following:

"AN ACT concerning park districts."; and

on page 1, by inserting below line 3 the following:

"Section 3. The Park District Aquarium and Museum Act is amended by changing Section 1 as follows:

(70 ILCS 1290/1) (from Ch. 105, par. 326)

Sec. 1. The corporate authorities of cities and park districts having the control or supervision of any public park or parks, are hereby authorized to purchase, erect and maintain within any public park or parks under the control or supervision of such corporate authorities, edifices to be used as aquariums or as museums of art, industry, science or natural or other history, or to permit the directors or trustees of any corporation or society organized for the construction or maintenance and operation of an aquarium or museum as hereinabove described to erect, enlarge, ornament, build, rebuild, rehabilitate, improve, maintain and operate its aquarium or museum or museums within any public park now or hereafter under the control or supervision of any city or park district, and to contract with any such directors or trustees of any such aquarium, museum or museums relative to the erection, enlargement, ornamentation, building, rebuilding, rehabilitation, improvement, maintenance and operation thereof. Any city or park district may charge, or permit such an aquarium or museum to charge, an admission fee: Provided, that any such aquarium or museum shall be open to the public without charge for a period equivalent to 52 days each year at least one day each week, and, when accompanied by a teacher, to the children in actual attendance upon grades kindergarten through twelve in any of the schools in this State at all times. Notwithstanding said provision, charges may be made at any time for special services and for admission to special facilities within any aquarium or museum for the education, entertainment or convenience of visitors. The proceeds of such admission fees and charges for special services and special facilities shall be devoted exclusively to the purposes for which the tax authorized by Section 2 hereof may be used. If any owner or owners of any lands or lots abutting or fronting on any such public park, or adjacent thereto, have any private right, easement, interest or property in such public park appurtenant to their lands or lots or otherwise, which would be interfered with by the erection and maintenance of any aquarium or museum as hereinbefore provided, or any right to have such public park remain open or vacant and free from buildings, the corporate authorities of the city or park district having control of such park, may condemn the same in the manner prescribed for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure, as now or hereafter amended.

(Source: P.A. 82-783.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 1427** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1427 on page 1, by replacing lines 27 through 29 with the following:

"(8) A neurosurgeon.".

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There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Smith, **Senate Bill No. 1434** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1434, on page 1, by deleting lines 25 through 29; and
by deleting pages 2 through 7.

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1442** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1514** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1555** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1555 on page 1, in line 15, by replacing "the" with "The".

There being no further amendments, the foregoing Amendment No. 1,

was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Shaw, **Senate Bill No. 1591** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shaw, **Senate Bill No. 1592** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 1609** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1609 by replacing everything after the enacting clause with the following:

"Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.155 as follows:

(210 ILCS 50/3.155)

Sec. 3.155. General Provisions.

(a) Authority and responsibility for the EMS System shall be

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vested in the EMS Resource Hospital, through the EMS Medical Director or his designee.

(b) For an inter-hospital emergency or non-emergency medical transport, in which the physician from the sending hospital provides the EMS personnel with written medical orders, such written medical orders cannot exceed the scope of care which the EMS personnel are authorized to render pursuant to this Act.

(c) For an inter-hospital emergency or non-emergency medical transport of a patient who requires medical care beyond the scope of care which the EMS personnel are authorized to render pursuant to this Act, a qualified physician, nurse, perfusionist or respiratory therapist familiar with the scope of care needed must accompany the patient and the transferring hospital and physician shall assume medical responsibility for that portion of the medical care.

(d) No emergency medical services vehicles or personnel from another State or nation may be utilized on a regular basis to pick up and transport patients within this State without first complying with this Act and all rules adopted by the Department pursuant to this Act.

(e) This Act shall not prevent emergency medical services vehicles or personnel from another State or nation from rendering requested assistance in this State in a disaster situation, or operating from a location outside the State and occasionally transporting patients into this State for needed medical care. Except as provided in Section 31 of this Act, this Act shall not provide immunity from liability for such activities.

(f) Except as provided in subsection (e) of this Section, no

person or entity shall transport emergency or non-emergency patients by ambulance, SEMSV or medical carrier without first complying with the provisions of this Act and all rules adopted pursuant to this Act.

(g) Nothing in this Act or the rules adopted by the Department under this Act shall be construed to authorize any medical treatment to or transportation of any person who objects on religious grounds.

(h) Patients, individuals who accompany a patient, and emergency medical services personnel may not smoke while inside an ambulance or SEMSV. The Department of Public Health may impose a fine on an individual who violates this subsection in the amount of \$100.

(Source: P.A. 89-177, eff. 7-19-95.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1617** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **Senate Bill No. 1638** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1638 as follows:
on page 1, by replacing lines 26 through 30 with the following:

"(b) Upon the request of an adversely affected recipient of support, the Illinois Department shall send a letter to the recipient verifying the delayed or undisbursed child support payment. The recipient may submit that letter to the appropriate credit reporting

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agency for placement in the recipient's credit file."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Smith, **Senate Bill No. 1642** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1642, on page 2, line 18, by replacing "The Director" with "Subject to appropriation for this purpose, the Director".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a

third reading.

On motion of Senator R. Madigan, **Senate Bill No. 1658** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1658 on page 2 by inserting immediately below line 26 the following:

"(d) A certificate of authority that is in effect on the effective date of this amendatory Act of the 91st General Assembly and that was issued pursuant to Section 4a of the Workers' Compensation Act or Section 4a of the Workers' Occupational Diseases Act to a group self-insurer shall remain in effect under this Article. Such group self-insurer shall then be deemed to be a qualified group workers' compensation pool and shall be subject to this Article."; and

on page 3, line 30, by changing "policy" to "policy of insurance"; and

on page 4, lines 16 and 23, by changing "Administrator" each time it appears to "administrator"; and

on page 4, line 30, by changing "provided" to "provided and fees to be charged"; and

on page 4, line 31, by changing "Administrator" to "administrator"; and

on page 4, line 33, by changing "Administrator" to "administrator"; and

on page 6, line 11, by changing "issuing" to "issuing and maintaining pool"; and

on page 6, line 12, by deleting "to pools"; and

on page 6, by replacing line 13 with the following:

"(a) The"; and

on page 8, line 21, by changing "expertise" to "character, expertise"; and

on page 9 by replacing line 11 with the following:

"Article."; and

on page 14, line 20, by changing "126.7" to "126.7 of this Code"; and

on page 15, line 23, by changing "payments" to "and medical service payments"; and

on page 16, line 13, by changing "due" to "and medical service payments due"; and

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on page 17, lines 14 and 17, by changing "administrator" each time it appears to "trustees"; and

on page 18 by replacing lines 25 and 26 with the following:

"compensation pool is not in compliance with this Article, the Director shall".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator R. Madigan, **Senate Bill No. 1701** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1712** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1712 as follows:
on page 2, line 2, after the period, by inserting the following:
"The Illinois Department may enter into a contract for the development of the curriculum with one or more organizations providing services to domestic violence victims. The Illinois Department shall adopt rules necessary to implement this subsection."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 1844** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1844, on page 10, line 3, by deleting "and adding Section 3-120"; and
on page 10, by deleting lines 4 through 9; and
on page 13, by replacing lines 19 through 31 with the following:

"changing Section 5-5.5 as follows:

(305 ILCS 5/5-5.5) (from Ch. 23, par. 5-5.5)

Sec. 5-5.5. Elements of Payment Rate.

(a) The Department of Public Aid shall develop a prospective method for determining payment rates for skilled nursing and intermediate care services in nursing facilities composed of the following cost elements:

(1) Standard Services, with the cost of this component being determined by taking into account the actual costs to the facilities of these services subject to cost ceilings to be defined in the Department's rules.

(2) Resident Services, with the cost of this component being determined by taking into account the actual costs, needs and utilization of these services, as derived from an assessment of the resident needs in the nursing facilities. The Department shall adopt rules governing reimbursement for resident services as listed in Section 5-1.1. Surveys or assessments of resident needs under this Section shall include a review by the facility

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of the results of such assessments and a discussion of issues in dispute with authorized survey staff, unless the facility elects not to participate in such a review process. Surveys or assessments of resident needs under this Section may be conducted semi-annually and payment rates relating to resident services may be changed on a semi-annual basis. The Illinois Department shall initiate a project, either on a pilot basis or Statewide, to reimburse the cost of resident services based on a methodology which utilizes an assessment of resident needs to determine the level of reimbursement. This methodology shall be different from the payment criteria for resident services utilized by the Illinois Department on July 1, 1981. On March 1, 1982, and each year thereafter, until such time when the Illinois Department adopts the methodology used in such project for use statewide or the Illinois Department reports to the Citizens Assembly/Council on Public Aid that the methodology did not meet the Department's goals and objectives and therefore is ceasing such project, the Illinois Department shall report to the General Assembly on the implementation and progress of such project. The report shall include:

(A) A statement of the Illinois Department's goals and objectives for such project;

(B) A description of such project, including the number and type of nursing facilities involved in the project;

(C) A description of the methodology used in such project;

(D) A description of the Illinois Department's application of the methodology;

(E) A statement on the methodology's effect on the quality of care given to residents in the sample nursing facilities; and

(F) A statement on the cost of the methodology used in such project and a comparison of this cost with the cost of the current payment criteria.

(3) Ancillary Services, with the payment rate being developed for each individual type of service. Payment shall be made only when authorized under procedures developed by the Department of Public Aid.

(4) Nurse's Aide Training, with the cost of this component being determined by taking into account the actual cost to the facilities of such training.

(5) Real Estate Taxes, with the cost of this component being determined by taking into account the figures contained in the most currently available cost reports (with no imposition of maximums) updated to the midpoint of the current rate year for long term care services rendered between July 1, 1984 and June 30, 1985, and with the cost of this component being determined by taking into account the actual 1983 taxes for which the nursing homes were assessed (with no imposition of maximums) updated to the midpoint of the current rate year for long term care services rendered between July 1, 1985 and June 30, 1986.

(b) In developing a prospective method for determining payment rates for skilled nursing and intermediate care services in nursing facilities, the Department of Public Aid shall consider the following cost elements:

(1) Reasonable capital cost determined by utilizing

incurred interest rate and the current value of the investment, including land, utilizing composite rates, or by utilizing such other reasonable cost related methods determined by the

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Department. However, beginning with the rate reimbursement period effective July 1, 1987, the Department shall be prohibited from establishing, including, and implementing any depreciation factor in calculating the capital cost element.

(2) Profit, with the actual amount being produced and accruing to the providers in the form of a return on their total investment, on the basis of their ability to economically and efficiently deliver a type of service. The method of payment may assure the opportunity for a profit, but shall not guarantee or establish a specific amount as a cost.

(c) The Illinois Department may implement the amendatory changes to this Section made by this amendatory Act of 1991 through the use of emergency rules in accordance with the provisions of Section 5.02 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement the amendatory changes to this Section made by this amendatory Act of 1991 shall be deemed an emergency and necessary for the public interest, safety and welfare.

(d) No later than January 1, 2001, the Department of Public Aid shall file with the Joint Committee on Administrative Rules, pursuant to the Illinois Administrative Procedure Act, a proposed rule, or a proposed amendment to an existing rule, regarding payment for appropriate services, including assessment, care planning, and treatment provided by nursing facilities to residents who have a serious mental illness.

(Source: P.A. 86-651; 86-705; 86-1028; 87-14; 87-435.)"; and by deleting all of pages 14 through 36; and on page 37, by deleting lines 1 through 4.

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Mahar, **Senate Bill No. 1881** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1881 on page 1, by replacing line 14 with the following:

"other, but each of which is contiguous by itself, and (ii) are less than 1 mile apart from each other, and (iii)"

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

REPORT FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

First Conference Committee Report to Senate Bill 618

The foregoing conference committee report was placed on the Senate Calendar.

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COMMITTEE MEETING ANNOUNCEMENT

Senator T. Walsh, Chairperson of the Committee on State Government Operations announced that the State Government Operations Committee will meet today in the Senate Chambers, at 1:30 o'clock p.m., instead of 1:00 o'clock p.m.

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 1382
Senate Amendment No. 1 to Senate Bill 1504
Senate Amendment No. 1 to Senate Bill 1550

At the hour of 12:40 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, February 17, 2000 at 10:00 o'clock a.m.

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